

AMENDMENTS TO THE CLAIMS:

This listing of claims will replace all prior versions, and listings, of claims in the application:

LISTING OF CLAIMS:

1. (previously presented) A communication system, which comprises:

data acquisition requesting means located in a radio interface for requesting, through said radio interface wherein a sum of transmission power in a cell is limited when communications are simultaneously carried out, data acquisition from a data source located in a network interface;

data buffering means located in said network interface for temporarily storing the data requested by said data acquisition requesting means;

data transmitting means located in said network interface for successively reading out said data stored in said data buffering means and for transmitting said data to said data acquisition requesting means; and

data transfer rate control means located in said network interface for increasing a data transfer rate in said radio interface within the limited electric power of transmission, when said data stored in said data buffering means exceed a prescribed threshold.

2. (original) The communication system according to claim 1, wherein said radio interface employs code division multiple access system.

3. (original) The communication system according to claim 1, which further comprises power measuring means located in said network interface for measuring an electric power of transmitting said data to said data acquisition requesting means, wherein said data transfer rate control means controls said data transfer rate in accordance with the measured electric power and the accumulated amount of said data.

4. (original) The communication system according to claim 3, wherein said data transfer rate control means increases said data transfer rate, as the amount of data accumulated in the data accumulating means becomes greater, when the measured electric power is smaller than a predetermined value.

5. (original) The communication system according to claim 1, which further comprises distance measuring means for measuring a distance between said data acquisition requesting means and said data transfer rate control means,

wherein said data transfer rate control means increases said data transfer rate, as accumulated amount of said data increased, when the measured distance is smaller than a prescribed value.

6. (original) The communication system according to claim 1, which further comprises signal to interference noise

ratio (SIR) measuring means for measuring a SIR of data transmitted by said data transmitting means,

wherein said data transfer rate control means increases said data transfer rate, as accumulated amount of said data increased, when the measured SIR is smaller than a prescribed value.

7. (currently amended) A communication system, comprising:

a base station that is connected via a network connection to a content server;

mobile stations that are connected to said base station via respective radio connections; and

said base station comprising a data buffer that stores data transmitted from the content server to said base station via said network connection, and a transfer rate setting section that sets a data transfer rate from said data buffer to one of said mobile stations via a respective one of said radio connections based on an amount of data in said data buffer,

wherein said transfer rate setting section monitors a total of power transmitting from said base station to all said mobile stations, and wherein when the total of power is less than a maximum transmitting power for said base station and when the amount of data in said data buffer exceeds a threshold, said data transfer rate setting section increases the transfer rate from said data buffer to the one of said mobile stations.

8. (canceled)

9. (currently amended) The communication system of claim [[8]] 7, wherein when an amount of data in said data buffer is less than the threshold, said transfer rate setting section decreases the data transfer rate to the one of said mobile stations.

10. (currently amended) The communication system of claim [[8]] 7, wherein when the total of power equals or exceeds the maximum transmitting power, said transfer rate setting section decreases the data transfer rate to the one of said mobile stations.

11. (canceled)